

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

BARBARA MAY,
Plaintiff,
v.
HONEYWELL INTERNATIONAL
foreign corporation, et al.,
Defendant

CASE NO. C05-1957RSM

ORDER ON MOTION TO COMPEL

HONEYWELL INTERNATIONAL, INC., a
foreign corporation, et al.,
Defendants.

This matter is before the Court for consideration of plaintiff's motion to compel responses to discovery (Dkt. # 17). The Court finds that the moving party has failed to certify to a good faith effort to resolve the matter as required, and denies the motion on that basis.

Rule 37 states, in relevant part, that a motion to compel “**must** include a certification that the movant has in good faith conferred or attempted to confer with the party not making the disclosure in an effort to secure the disclosure without court action.” F.R.Civ.P. 37(a)(2)(A) (emphasis added). The companion local rule requires that such good faith conference must be either face-to-face or by telephone. Local Rule CR 37(a)(2)(A).

The Court finds no such certification either within or attached to the motion to compel. Although the attached letters make passing reference to conversations between counsel, such reference

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1 does not constitute “certification” by counsel within the meaning of Rule 37. Further, it wholly fails to
2 sufficiently “detail the efforts to confer and explain why they proved fruitless.” *Prescient Partners, L.P.*
3 *v. Fieldcrest Cannon, Inc.*, 1998 WL 67672 (S.D.N.Y. 1998); *citing Tri-Star Pictures, Inc., v. Unger*,
4 171 F.R.D. 94, 99 (S.D.N.Y. 1997). A proper certification, stated and signed by counsel, must
5 “accurately and specifically convey to the court who, where, how, and when the respective parties
6 attempted to personally resolve the discovery dispute.” *Shuffle Master, Inc., v. Progressive Games, Inc.*,
7 170 F.R.D. 166, 170 (D. Nev. 1996).

8 Absent such certification, the Court will not consider the motion. Accordingly, plaintiff’s
9 motion to compel (Dkt. # 17) is DENIED. This denial is without prejudice to renewal of the motion as
10 an expedited motion under Local Rule CR 37(a)(2)(B).

12 DATED this 18 day of September, 2006.

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15 RICARDO S. MARTINEZ
16 UNITED STATES DISTRICT JUDGE
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